

**CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION UNDER 37 CFR § 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is:

\_\_\_ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below, or

X being transmitted via EFS.

/Mark C. Johnson/  
Mark C. Johnson

03/28/07  
Date

Attorney Docket No. HORA.P0101US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of:

Applicant: Horace W. Hale et al.

Filed: August 29, 2003

Title: FACET IMPLANT

Serial No: 10/651,871

Examiner: Annette R. Reimers

Art Unit: 3733

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 7, 2007, of the Primary Examiner finally rejecting claims 1-20 and 41-48.

Applicant is:

X a small entity

\_\_\_ other than a small entity

\$250.00 Fee

\$500.00 Fee

Fee Payment:

\_\_\_ Attached is a check covering the aforesaid fee

X Enclosed is a credit card payment form covering the aforesaid fee

\_\_\_ Not required (fee paid in prior appeal in this application)

\_\_\_ Charge fee to Deposit Account No. 18-0988 under Attorney Docket No.  
HORA.P0101US.

The Commissioner is authorized to charge any additional fee which may be required by this notice, or credit any overpayment, to Deposit Account No. 18-0988 under Docket No. HORA.P0101US.

Respectfully submitted,

/Mark C. Johnson/  
Mark C. Johnson, Registration No. 51,854  
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